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CR 05 00505 JF

RS

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

E-filing

SAN JOSE DIVISION

THE UNITED STATES OF AMERICA

vs.

CURTIS SALISBURY

Filed

AUG 3 2005

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

INDICTMENT

Count One: 18 U.S.C. § 371 - Conspiracy to Commit Criminal Copyright Infringement By Distributing A Commercial Distribution Work, and Use Audiovisual Recording Devices to Make Unauthorized Copies of Audiovisual Works;

Counts Two and Three: 17 U.S.C. § 506(a)(1)(C), 18 U.S.C. 2319(d)(2) and 2 - Criminal Copyright Infringement By Distributing A Copyrighted Work on a Computer Network, and Aiding and Abetting;

Counts Four and Five: 18 U.S.C. §§ 2319B(a)(1) and 2 - Unauthorized Recording of Motion Pictures in a Motion Picture Exhibition Facility, and Aiding and Abetting;

Forfeiture Allegation: 17 U.S.C. §§ 506(b) and 509(a), and 18 U.S.C. §2319B(b) - Criminal Forfeiture and Destruction.

*A true bill.*

*[Signature]*  
Foreperson

Filed in open court this 3 day of August  
A.D. 2005

United States Magistrate Judge

*Patricia V. Hummel*

Bail. \$ summons QV7

KEVIN V. RYAN (CASBN 118321)  
United States Attorney

Filed

AUG 3 2005

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

E-filing

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CURTIS SALISBURY,  
aka geewhzz, aka 00713,

Defendant.

CR 05 00505 JF

No. CR

VIOLATIONS: 18 U.S.C. § 371 -  
Conspiracy; 17 U.S.C. § 506(a)(1)(C), 18  
U.S.C. § 2319(d)(2) – Criminal Copyright  
Infringement By Distributing a Copyrighted  
Work on a Computer Network; 18 U.S.C. §  
2319B(a)(1) - Unauthorized Recording of  
Motion Pictures in a Motion Picture  
Exhibition Facility; 18 U.S.C. § 2 - Aiding  
and Abetting; 17 U.S.C. §§ 506(b) and  
509(a), and 18 U.S.C. § 2319B(b) - Criminal  
Forfeiture and Destruction

SAN JOSE VENUE

INDICTMENT

The Grand Jury charges:

INTRODUCTION

At all times relevant to this Indictment:

1. The defendant conspired and engaged in the unauthorized duplication and reproduction of copyrighted movies, games, music, and software in violation of federal copyright laws. The defendant participated in a “warez conspiracy” – that is, individuals and organized groups of individuals who engaged in the duplication, modification, reproduction, and

INDICTMENT

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1 distribution of copyrighted software over the Internet, in violation of federal law.

2 2. In the warez conspiracy, defendant CURTIS SALISBURY served as a "cammer"  
3 by using an audiovisual recording device (such as a camcorder) to make unauthorized copies  
4 motion pictures that were protected by the copyright laws, and as a "supplier" by providing  
5 unauthorized copyrighted movies to the warez site.

6 COUNT ONE: (18 U.S.C. § 371 - Conspiracy to Commit Criminal Copyright  
7 Infringement By Distributing a Commercial Distribution Work, and Use  
8 Audiovisual Recording Devices to Make Unauthorized Copies Of  
9 Audiovisual Works)

10 3. The allegations in paragraphs one and two are realleged and incorporated herein  
11 as if set forth in full.

12 4. Beginning at a time unknown, but not later than in or about June 2005, and  
13 continuing thereafter up to and including the date of the Indictment, in the Northern District of  
14 California, and elsewhere, the defendant,

15 CURTIS SALISBURY,  
16 aka geewhzz, aka 00713,

17 and others known and unknown to the Grand Jury, did knowingly agree, combine and conspire  
18 to commit offenses against the United States, that is:

- 19 A. Criminal copyright infringement of a copyright by the distribution of a work being  
20 prepared for commercial distribution, by making it available on a computer  
21 network accessible to members of the public, when defendant knew and should  
22 have known that the work was intended for commercial distribution, in violation  
23 of Title 17, United States Code, Section 506(a)(1)(C), and Title 18, United States  
24 Code, Section 2319(d); and
- 25 B. Using, or attempting to use, an audiovisual recording device to transmit or make  
26 an unauthorized copy of a motion picture and other audiovisual work protected  
27 under Title 17, or any part thereof, from a performance of such work in a motion  
28 picture exhibition facility, in violation of Title 18, United States Code, Section  
2319B.

#### 29 MANNER AND MEANS OF THE CONSPIRACY

30 In furtherance of the conspiracy, defendant and others known and unknown to the Grand  
31 Jury employed the following manner and means, among others:

#### 32 Copyright Infringement

33 5. It was a part of the conspiracy that the conspirators obtained unauthorized copies

1 of copyrighted works, including movies, games, and software; did not own the copyrighted  
2 works uploaded and downloaded on the warez sites; and did not have license, permission or other  
3 authority from the owners of those copyrighted works to reproduce and distribute them or to  
4 make them available for downloading from the warez sites.

5 Obtaining and Encoding Copyrighted Works For Distribution

6 6. It was further part of the conspiracy that a "supplier" would provide a copyrighted  
7 work which would ultimately be encoded and uploaded to the site controlled by the warez release  
8 group. One supply source included unauthorized copies of a motion picture or other audiovisual  
9 work made through the use of audiovisual recording devices (such as camcorders).

10 Private Financial Compensation

11 7. It was further a part of the conspiracy that some warez members received credits  
12 for every upload, allowing them to download a certain quantity of material from the warez site  
13 based on the size of the upload. For example, individuals used a credit ratio of one upload  
14 amount equal to three downloads (i.e. one gigabyte/three gigabytes) as a means of private  
15 financial gain. Under this arrangement, an individual who uploaded one movie could download  
16 three movies.

17 8. It was further a part of the conspiracy that some individuals were paid money for  
18 supplying movies, games, or software, including pre-releases that were not available to the  
19 public.

20 9. It was further a part of the conspiracy that some warez members provided  
21 financial compensation to some individuals for pirated movies, games and software through  
22 PayPal, located in the Northern District of California.

23 Removal Of Identification Markings

24 10. It was further part of the conspiracy that the defendant removed identification  
25 markings and other features from movies to conceal the origination and identities of the  
26 copyrighted materials. The defendant also directed others known to the grand jury to remove  
27 these identification markings.

28 // // //

Unauthorized Theatrical Recordings

11. It was further part of the conspiracy that defendant used, or attempted to use, audiovisual recording devices to transmit or make an unauthorized copy of a motion picture and other audiovisual copyrighted works from a performance of the copyrighted work in a motion picture theater. For example, the movie "The Perfect Man," which was uploaded to a computer network on or about June 21, 2005, was verified by the Motion Picture Association of America to be a copy of a movie that was filmed in a particular movie theater.

OVERT ACTS

12. In furtherance of the conspiracy, and to effectuate the objects thereof, defendant CURTIS SALISBURY, aka geewhzz, committed overt acts in the Northern District of California, and elsewhere, including:

a. On or about June 22, 2005, defendant CURTIS SALISBURY, aka geewhzz, aka 00713, communicated with others known to the Grand Jury in and outside the Northern District of California concerning the tools and processes of removing identifying features on a film which revealed the originating theater of a particular film. Without the identification markings, the origin could not be determined.

b. On or about June 22, 2005, defendant CURTIS SALISBURY, aka geewhzz, aka 00713, communicated with others known to the Grand Jury in the Northern District of California concerning alternate methods for recording a movie at a theater.

c. On or about June 24, 2005, defendant CURTIS SALISBURY, aka geewhzz, aka 00713, communicated with an individual known to the Grand Jury in the Northern District of California regarding receiving payment for the films that defendant would provide, indicating that he would like to be paid by money order at a post office box when the film is ready for release.

d. On or about June 21, 2005, defendant CURTIS SALISBURY, aka geewhzz, aka 00713, uploaded the movie "The Perfect Man" to a server located in the Northern District of California.

e. On or about June 28, 2005, defendant CURTIS SALISBURY, aka

1 geewhzz, aka 00713, uploaded the movie "Bewitched" to a server located in the Northern District  
2 of California.

3 f. On or about June 23, 2005, defendant CURTIS SALISBURY, aka  
4 geewhzz, aka 00713, downloaded the movie "Madagascar" from a server located in the Northern  
5 District of California.

6 g. On or about June 25, 2005, defendant CURTIS SALISBURY, aka  
7 geewhzz, aka 00713, downloaded the software "Sony Sound Forge V8.0" from a server located  
8 in the Northern District of California.

9 h. On or about June 28, 2005, defendant CURTIS SALISBURY, aka  
10 geewhzz, aka 00713, downloaded the software Adobe "Premier Pro V7.0" from a server located  
11 in the Northern District of California.

12 i. On or about June 28, 2005, defendant CURTIS SALISBURY, aka  
13 geewhzz, aka 00713, downloaded the software Adobe "Premier Pro V1.5 Proper" from a server  
14 located in the Northern District of California.

15 All in violation of Title 18, United States Code, Section 371.

16 COUNTS TWO AND THREE: (17 U.S.C. § 506(a)(1)(C), 18, U.S.C. §§ 2319(d)(2) and 2 -  
17 Criminal Copyright Infringement By Distributing A  
18 Copyrighted Work on a Computer Network, and Aiding  
and Abetting)

19 13. On or about the dates set forth below, in the Northern District of California, and  
20 elsewhere, defendant,

21 CURTIS SALISBURY,  
aka geewhzz, aka 00713,

22 did willfully, and for purposes of commercial advantage and private financial gain, infringe the  
23 copyright of a copyrighted work, by distributing a work being prepared for commercial distribution,  
24 by making it available on a computer network accessible to members of the public, when defendant  
25 knew, and should have known, that the work was intended for commercial distribution, as set forth  
26 below:

27 // // //



Count	Date	Copyrighted Work
2	June 21, 2005	"The Perfect Man"
3	June 28, 2005	"Bewitched"

All in violation of Title 17, United States Code, Section 506(a)(1)(C), and Title 18, United States Code, Sections 2319(d)(2) and 2.

**COUNT FOUR AND FIVE:** (18, U.S.C. §§ 2319B(a)(1) and 2 - Unauthorized Recording of Motion Pictures in a Motion Picture Exhibition Facility, and Aiding and Abetting)

14. On or about the dates set forth below, in the Northern District of California, and elsewhere, defendant,

CURTIS SALISBURY,  
aka geewhzz, aka 00713,

knowingly used, and attempted to use, an audiovisual recording device to transmit and make a copy of a motion picture protected under the copyright laws of the United States, specifically, Title 17, United States Code, 102(a) et seq., and any part of the motion picture, from a performance of such work in a motion picture exhibition facility, without the authorization of the copyright owner, as set forth below:

Count	Date	Copyrighted Work
4	June 21, 2005	"The Perfect Man"
5	June 28, 2005	"Bewitched"

All in violation of Title 18, United States Code, Sections 2319B(a)(1) and 2.

**FORFEITURE ALLEGATION:** (17 U.S.C. §§ 506(b) and 509(a), and 18 U.S.C. § 2319B(b) - Criminal Forfeiture and Destruction)

15. As a result of the offenses alleged in Counts Two, Three, Four, and Five of this indictment, defendant,

CURTIS SALISBURY,  
aka geewhzz, aka 00713,

shall forfeit to the United States, pursuant to Title 17, United States Code, Sections 506(b) and 509(a), and Title 18, United States Code, Sections 2319B(b) and 2319B(a), all copies manufactured, reproduced, distributed, sold, or otherwise used, intended for use, or possessed with intent to use in

INDICTMENT

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violation of the offense under Section 506(a), and all plates, molds, matrices, masters, tapes, film negatives, or other articles by means of which such copies may be reproduced, and all electronic, mechanical, and other devices for manufacturing, reproducing, and assembling such copies, and all unauthorized copies of motion pictures or other audiovisual works protected under Title 17, of the United States Code, or parts thereof, and any audiovisual recording devices or other equipment used in connection with the offense, including but not limited to the items set forth below:

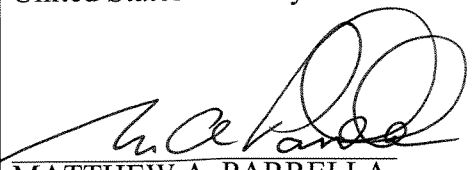
- A. HP PSC 2210 all in one fax scanner copier, bar code MY2BNF501RY with cord
- B. TDK package of approximately 20 CDs
- C. Approximately 93 CDs
- D. Program instructional CDs (16) , with instructions
- E. CD/DVD labels
- F. DVD "Remembering the Trojans"
- G. 2 Toshiba laptops serial #s 1048519100211 and 1049095000315
- H. Sony PSP serial # PP123307796 in box, barcode 1171985000
- I. Cannon powershot F-70 Digital Camera bar code 1380304061, serial #0323100614
- J. Shuttle X desktop computer, two hard drives, system N85011010GE3GHO bar code N85G00342DUS0132
- K. Sony Digital Video Camera DCR-HC21, serial #1406326, 128 MB memory SD card, camera case with cords
- L. 2 Digital video cassettes
- M. 1 CD-R verbatim

DATED: August 3, 2005

A TRUE BILL

  
Grand Jury Foreperson

KEVIN V. RYAN  
United States Attorney

  
MATTHEW A. PARRELLA  
Chief, San Jose Branch Office

(Approved as to form: )  
AUSA MARK L. KROTOSKI



**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT  
☐ SUPERSEDING
**OFFENSE CHARGED**

SEE ATTACHMENT

☐ Petty  
☐ Minor  
☐ Misdemeanor  
☒ Felony

PENALTY:

SEE ATTACHMENT

**CR 05****PROCEEDING**

Name of Complainant Agency, or Person (&amp; Title, if any)

S/A Julie Jolie - FBI

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. Att'y ☐ Defense

☐ this prosecution relates to a pending case involving this same defendant

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under
SHOW  
DOCKET NO.MAGISTRATE  
CASE NO.
 Name and Office of Person  
 Furnishing Information on  
 THIS FORM

KEVIN V. RYAN

☒ U.S. Att'y ☐ Other U.S. Agency

 Name of Asst. U.S. Att'y  
 (if assigned)

MARK L. KROTOSKI

 Name of District Court, and/or Judge/Magistrate Location  
 NORTHERN DISTRICT OF CALIFORNIA

DEFENDANT - U.S.

CURTIS SALISBURY

DISTRICT COURT NUMBER

AUG 3 2005

 RICHARD W. WIEKING  
 CLERK, U.S. DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE

DEFENDANT

**IS NOT IN CUSTODY**

- 1) ☐ Has not been arrested, pending outcome this proceeding.  
 If not detained give date any prior summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

**IS IN CUSTODY**

- 4) ☐ On this charge
- 5) ☐ On another conviction
- 6) ☐ Awaiting trial on other charges
- If answer to (6) is "Yes", show name of institution

 Has detainer  
 been filed? ☐ Yes ☐ No

 If "Yes"  
 give date  
 filed
DATE OF  
ARREST

Month/Day/Year

Or... if Arresting Agency &amp; Warrant were not

Month/Day/Year

DATE TRANSFERRED  
TO U.S. CUSTODY
☐ This report amends AO 257 previously submitted
**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**
☒ SUMMONS ☐ NO PROCESS\*

☐ WARRANT Bail Amount:

If Summons, complete following:

☒ Arraignment ☐ Initial Appearance

Defendant Address:

 3582 Compton Parkway  
 St. Charles, Missouri 63301  
 (636) 448-6601

 \*Where defendant previously apprehended on complaint, no new summons  
 or warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments:

**ATTACHMENT PENALTY SHEET**

**United States v. Curtis Salisbury**

18 U.S.C. § 371 - Conspiracy, Infringement By Distributing A Commercial Distribution Work, and Use Audiovisual Recording Devices to Make Unauthorized Copies of Audiovisual Works:

Penalty: Maximum 5 years imprisonment;  
Maximum \$250,000 or twice the value of the property involved in the transaction, whichever is greater;  
Maximum 3 years supervised release;  
Mandatory \$100 Special Assessment.

17 U.S.C. §506(a)(1)(C) - Criminal Copyright Infringement By Distributing A Copyrighted Work on a Computer Network:

Penalty: Maximum 5 years imprisonment;  
Maximum \$250,000 or twice the value of the property involved in the transaction, whichever is greater;  
Maximum 3 years supervised release;  
Mandatory \$100 Special Assessment.

18 U.S.C. §§ 2319B(a)(1) and 2 - Unauthorized Recording of Motion Pictures in a Motion Picture Exhibition Facility, and Aiding and Abetting.

Penalty: Maximum 3 years imprisonment;  
Maximum \$250,000 or twice the value of the property involved in the transaction, whichever is greater;  
Maximum 2 years supervised release;  
Mandatory \$100 Special Assessment.  
Forfeiture - Ordered by the Court